

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LYNELL AVERY DENHAM,

Plaintiff,

v.

BRUCE F. MIYAKE,

Defendant.

Case No. C17-1538-RSL

ORDER OF DISMISSAL

Having reviewed the Report and Recommendation of the Honorable James P. Donohue, Chief United States Magistrate Judge, any objections or responses to that, and the remaining record, the Court finds and ORDERS:

- (1) The Court ADOPTS the Report and Recommendation.
- (2) Plaintiff's federal civil rights complaint is DISMISSED without prejudice and without leave to amend under *Heck v. Humphrey*, 512 U.S. 744, 487 (1994).
- (3) Plaintiff's application to proceed *in forma pauperis*, Dkt. 1, and proposed motion to appoint counsel, Dkt. 1-2, are DENIED as moot.

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1 (4) The Clerk is directed to send copies of this Order to plaintiff and to Judge  
2 Donohue.

3 Dated this 27<sup>\*</sup> day of November, 2017.

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5 ROBERT S. LASNIK  
6 United States District Judge  
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